

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

VIRGIL BEAGLES, DWAYNE BEAGLES,
PATRICIA BEAGLES, AMANDA BEAGLES,
ARLIN GAMBEL and LINDA GAMBEL,
WAYNE MAHY,

Plaintiffs,

vs.

Civ. No. 08-753 MV/RHS

TIMBERON WATER & SANITATION DISTRICT;
MEL LONG, DICK DYSART, GLENDA GENTRY
in their individual capacity and said capacity as
Directors; BILL CURTIS and BONNIE STARR
in their official capacity; SUZANNE HAISLEY,
MARY HAMILL, BETTY JEAN BERGSTROM,
ERMA JEAN BRADSHAW, SUSIE SIMMS,
YVONNE ROSS, JOE WHEELER, LAWRENCE
and HENRIETTA CHURCH, KRISTINE WHEELER,
KEN BRADSHAW, DONNA RICHARDSON, EVA
DYSART and JANET EBBS in their official capacity
as paid employees or contractors,

Defendants.

**ORDER GRANTING DEFENDANTS'
MOTION TO COMPEL DISCOVERY RESPONSES**

THIS MATTER comes before the Court on Defendants' Motion to Compel Discovery Responses [docket no. 27]. The Court has now considered the motion together with Plaintiffs' Response thereto (docket no. 28) and Defendants' Reply (docket no. 30) and hereby concludes that the motion is well-taken and should be granted. Plaintiff Wayne Mahy apparently has not produced answers to interrogatories or requests for production. The remaining Plaintiffs have all raised objections to various interrogatories and/or requests for production (see Motion to Compel, docket no. 27, at pages 1-2). The responses to which Plaintiffs Virgil Beagles, Dwayne

Beagles, Patricia Beagles, Amanda Beagles, Arlin Gambel and Linda Gambel did not object to were answered but not under oath. The Court has considered the respective objections raised by the individual Plaintiffs and concludes that they are without merit and should be overruled.

IT IS THEREFORE ORDERED that Defendants' Motion to Compel Discovery Responses [docket no. 27] is hereby granted as follows:

1. Plaintiff Wayne Mahy is ordered to produce answers to interrogatories and/or requests for production propounded to him on or before May 15, 2009.

2. Plaintiffs Virgil Beagles, Dwayne Beagles, Patricia Beagles, Amanda Beagles, Arlin Gambel and Linda Gambel are hereby ordered to respond fully and completely to the respective interrogatories and/or requests for production propounded to them to which they have objected. In their responses, these Plaintiffs are ordered to respond in full and complete narrative sentences without reference to other sources to obtain discovery information. These amended responses shall also be submitted on or before May 15, 2009.

3. Plaintiffs Virgil Beagles, Dwayne Beagles, Patricia Beagles, Amanda Beagles, Arlin Gambel and Linda Gambel are directed to respond to all discovery under oath.

4. The parties are ordered to bear their respective attorneys fees and costs incurred with the filing and defense of this motion, however, the Court reserves jurisdiction to assess attorneys fees and costs at a future date in the event Plaintiffs fail or refuse to comply with the terms of this Order.

Robert Hayes Scott
ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE